



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

26 2003

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY  
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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GEORGE A. GILBERT  
1800 CONCORD PIKE  
WILMINGTON DE 19803

#35

In re Application of  
Hakan Nyqvist et al  
Serial No.: 09/077,718 : PETITION DECISION  
Filed: June 8, 1998 :  
Attorney Docket No.: 1747-1 :  
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This is in response to applicants' petition under 37 CFR 1.181, filed January 7, 2003, requesting revival of the above-identified application based on a timely response to the last Office action.

A review of the file history indicates the examiner mailed a Final Office action to applicants on November 2, 2001, setting a three month shortened statutory period for reply. Applicants filed a Notice of Appeal on April 26, 2002, with a three month extension of time and fee therefor. Applicants then filed a CPA request on November 26, 2002, with a five month extension of time request and fee. Inadvertently the Office treated the CPA request as an RCE request and found the request improper for one of two reasons: failure to remit the required filing fee or failure to supply an amendment. However a CPA request does not require the filing of an amendment. The papers authorized charge of any fees associated with the filing to a Deposit Account. It is clear that the Office erred in processing the request. In view thereof, the Notice of Abandonment is withdrawn and the application is restored to a pending status with the mailing of this decision.

Applicant's petition is **GRANTED**.

**The application will be forwarded for proper processing of the CPA request and then forwarded to the examiner for further consideration.**

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.

  
Bruce M. Kisliuk  
Director, Technology Center 1600